

---

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

IN THE MATTER OF THE COMPLAINT  
OF PROSPER OPERATORS, INC.  
AS OPERATORS OF THE MOTOR VESSEL  
AMBER, FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY

\* CIVIL ACTION NO. 2:16-CV-01363  
\* (Admiralty)  
\*  
\* JUDGE ROBERT R. SUMMERHAYS  
\*  
\* MAGISTRATE JUDGE KATHLEEN  
KAY

---

**MOTION FOR SUMMARY JUDGMENT ON ISSUE OF JONES ACT  
SEAMANS STATUS FILED BY PROSPER OPERATORS, INC.**

**NOW INTO COURT**, through undersigned counsel, comes Prosper Operators, Inc. ("Prosper") who moves this Honorable Court for Summary Judgment as there are no genuine issues of material fact that Mitchell Navarre ("Claimant") does not qualify as a Jones Act seaman as he had no connection to a vessel that was substantial in nature as required under *Chandris v. Latsis* and related jurisprudence.<sup>1</sup> Thus, the Jones Act claim of Mitchell Navarre ("Claimant") must be dismissed, with prejudice.

Respectfully submitted,

BROWN SIMS, P.C.

BY: /s/ Kelly F. Walsh

L. LANE ROY (#11513)  
Brown Sims, P.C.  
600 Jefferson Street, Suite 800  
Lafayette, Louisiana 70501  
E-Mail: [lroy@brownsims.com](mailto:lroy@brownsims.com)  
Telephone: (337)484-1240  
Facsimile: (337)484-1241

---

<sup>1</sup> 515 U.S. 347, 368 (1995).

KELLY F. WALSH (#31352)  
MARK T. TUFTS (#36710)  
Brown Sims, P.C.  
1100 Poydras Street, 39<sup>th</sup> Floor  
New Orleans, Louisiana 70163  
E-Mail: [kwalth@brownsims.com](mailto:kwalth@brownsims.com)  
[mtufts@brownsims.com](mailto:mtufts@brownsims.com)  
Telephone: (504)569-1007  
Facsimile: (504)569-9255

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 19<sup>th</sup> day of June 2019, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all known counsel of record by operation of Court's electronic filing system.

/s/ Kelly F. Walsh  
Kelly F. Walsh